



Focus

Washington's Water Resource The Water Right Permit Exemption

Overview

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting and using any surface water. Surface water is any water appearing upon the surface of the ground, such as water from a river, stream, spring, or lake. Common examples of surface water uses which require water right authorization include water diversions (via pumps, pipes, or ditches) for:

- Livestock tanks
- Off-stream recreational ponds
- Hydropower
- Hobby mining
- Industrial uses
- Irrigation uses
- Domestic (or residential) uses

Other surface water uses that require water right authorization are nondiversionary uses, like run-of-the-river hydropower, and on-channel reservoirs (any impoundment storing water to a depth of ten or more feet at its deepest point or one that is retaining ten or more acre-feet of water).

Such surface water uses must be authorized by a state water right permit or certificate. Ecology also recognizes valid water right claims and water rights under the Federal Reserved Winters Doctrine.

For ground water withdrawals, Washington water law requires all prospective water users to obtain a water right permit from Ecology before constructing a well or withdrawing any ground water from a well. However, the law does allow a water right permit exemption which states that:

No water right permit is required for the withdrawal of up to 5,000 gallons of water per day from a well when the water is being used for:

- Livestock watering;
- Single or group domestic water supply;
- Industrial purposes; or
- Irrigation of no more than 1/2 acre of lawn or noncommercial garden.

This exemption to the water right permit process is commonly called the “domestic exemption.”

The Permit Exemption and How It Works

The permit exemption allows certain users of small quantities of ground water (most commonly, single residential well owners) to construct their wells and develop their water supplies without first obtaining a water right permit from the Department of Ecology. Here are some other facts ground water users should note:

- Water users withdrawing ground water under the exemption establish a water right equal to the water right they would establish by obtaining a permit from the Department of Ecology. The priority of such a water right dates back to the beginning of beneficial use of the water, as defined in the State Ground Water Code.
- Water users have the option of applying for a water right permit even though their uses fall under the permit exemption.
- All wells for a given project apply toward the limits of exemption. For example, one could not irrigate two acres by installing four wells - each serving 1/2 acre, or use 10,000 gallons per day for an industrial purpose by installing two wells. Each of these water uses would require permit authorization from the Department of Ecology.
- Ground water users with “exempt” rights are still subject to regulation in favor of senior water rights. All water users are subject to the rule of “first in time, first in right.” The Department of Ecology regulates the diversions and withdrawals of junior (more recent) water users when their water uses impair senior water rights. For instance, regulation is necessary when affected senior water rights are no longer able to fully satisfy their rights. These affected senior rights can be senior ground water rights, surface water rights, or instream flows.
- The permit exemption is not available to prospective water users in certain water short areas that have been closed to further appropriation. Check with Department of Ecology regional office staff (listed below) for special restrictions that may apply to your development site.

For More Information

To find out more about domestic permit exemptions, please contact the regional office nearest you.

Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, WA 98902-3401
Telephone: (509) 575-2597
TDD: (509) 454-7673

Department of Ecology
Eastern Regional Office
North 4601 Monroe, Suite 100
Spokane, WA 99205-1295
Telephone: (509) 456-2926
TDD: (509) 458-2055

Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
Telephone: (425) 649-7000
TDD: (425) 649-4259

Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
Telephone: (360) 407-6300
TDD: (360) 407-6306